

### **REMARKS**

The Office Action dated October 28, 2008, has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

### **STATUS OF THE CLAIMS**

Claims 1-34 are currently pending in the application, of which claims 1, 11, 14, 20, 23, and 34 are independent claims. Claims 1, 14, 20, and 23 have been amended to more particularly point out and distinctly claim the invention. No new matter has been added. Claims 1-34 are respectfully submitted for consideration.

### **CLAIM REJECTIONS UNDER 35 U.S.C. 112**

Claims 1-34 were rejected under 35 U.S.C. 112, first paragraph, as allegedly failing to comply with the written description requirement. Applicants respectfully traverse this rejection.

The Office Action asserted that the phrase “visual messages” in the claims was not described in the specification. The rejection appears to be based on the fact that the precise words “visual messages” were not used.

Section 112 of the Patent Act states that the “specification shall contain a written description of the invention.” 35 U.S.C. §112. The Federal Circuit has held that “[t]o fulfill the written description requirement, the patent specification must describe an invention in sufficient detail that one skilled in the art can clearly conclude

that the inventor invented what is claimed.” *Cordis Corp. v. Medtronic AVE, Inc.*, 339 F.3d 1352, 1364, 67 USPQ2d 1876, 1885 (Fed. Cir. 2003). The Federal Circuit has explained, however, that “[t]he disclosure as originally filed does not ... have to provide *in haec verba* support for the claimed subject matter at issue.” *Id.* See additionally, *Kao Corp. v. Unilever United States, Inc.*, 78 USPQ2d 1257, 1260 (Fed. Circ. March 21, 2006). In other words, there is no requirement that the precise language used in the claims appear in the specification, in order to satisfy the written description requirement. The concept claimed is fully supported in the specification, in such a way that one of ordinary skill in the art could clearly conclude that the inventor invented what is claimed. Therefore, the claims fully comply with the written description requirement.

The concept of “visual messages” is disclosed, for example, in the specification at Figure 5A in which there is disclosure of text messages 5-14. The text messages 5-14 are received and conveyed in “a two-way chat connection between [a calling terminal (A)] and [a called party (B)]” (*see* Specification at Figure 5A and paragraph [0040]). One of ordinary skill in the art would appreciate that the text messages are for providing “visual messages.”

Furthermore, “visual messages” are also disclosed, for example, in the specification at Figure 6 and paragraph [0043], which discloses a list of several pre-stored messages 63. A selected message 64 of the list of messages 63 is conveyed to another party (*see* Specification at Figure 6 and paragraph [0045]). One of ordinary skill in the art would recognize that the list of messages 63 and the selected message

64 correspond to “visual messages” of the claimed invention. Thus, Figures 5A and 6 and the associated discussion in the present application provide full and adequate support for the claim recitations. Accordingly, Applicants respectfully request that the rejection of claims 1-34 be withdrawn.

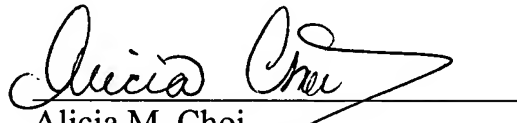
## CONCLUSION

For the reasons set forth above, it is respectfully requested that all of claims 1-34 be allowed, and that the present application be passed to issuance.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicants' undersigned representative at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,

  
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